

consumers while also addressing many of the unintended consequences of a patchwork of State laws. I thank Senator ROBERTS for his continued work with colleagues from both sides of the aisle to move to a solution this week.

The Agriculture Committee recently passed the chairman's mark by a bipartisan vote, and the House passed its own legislation last summer. Now it is time for the full Senate to act so we can protect the middle class from higher food costs, and with continued cooperation from across the aisle, that is just what we can do.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### GENETICALLY MODIFIED FOOD LABELING BILL AND FILLING THE SUPREME COURT VACANCY

Mr. REID. Mr. President, 90 percent of Americans want to know what is in their food. All of Europe, China, Russia, they know what is in their food. We should know what is in our food. Senator STABENOW, the ranking member of the Agriculture Committee, has been trying to work to come up with some reasonable approach, but what she has gotten is not much help from the chair of the committee. There are no discussions going on right now that are meaningful. The Republican leader has offered an amendment that is a purely voluntary scheme, which is a quasi-Roberts proposal and would leave consumers actually in the dark, and that is the truth. But this is just another case of where Republicans in the Senate are trying to create an appearance of doing something without really doing anything at all. It happens so often. This has happened so often during the past year. Things that my friend the Republican leader comes to the floor and boasts about are things we tried to do and we were blocked by Republican filibusters. We have been happy in the minority to be responsible and work with the Republicans to get things done, and we continue to do that. It is the right thing for the country. We are not trying to block everything, as they in fact did. We are trying to get things done.

One of the things we need to get done that belies the fact of this great Senate Republican majority is the fact that we think there should be a Supreme Court Justice. There should be 9, not 8.

One hundred years ago today, this very day, this Senate concluded the confirmation hearing of Justice Louis Brandeis, the first Jewish Supreme Court Justice ever. Prior to his nomination, it was not a custom for the Senate to hold public confirmation hearings to set up Supreme Court nominations, but over the last century these hearings have become a vital part of the Senate's constitutional duty to provide its advice and consent.

For 100 years, the Senate has had open hearings to deal with controversies—real or imagined—surrounding Supreme Court vacancies and nominees.

It is disappointing that Republicans are now willing to throw away a century of transparency and deliberation just to block President Obama's Supreme Court nominee. Republicans will not even meet with this man or this woman. Republicans will not allow a hearing for this man or this woman. Republicans will not allow a vote on this man or this woman, and that is wrong. We want transparency on what is going on here with the Supreme Court. We want transparency on the food we eat.

They are adamant that President Obama's nominee will have nothing—no opening hearing, no public hearing, no hearing at all. It is further evidence of how far Republicans will go to avoid their constitutional duties.

Mr. President, I see no one on the floor to speak, so I ask the Chair to announce the schedule of the day.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. TESTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

#### GENETICALLY MODIFIED FOOD LABELING BILL

Mr. TESTER. Mr. President, many of you know that in my real life I am a farmer. I know where my food comes from and how it is made. Unfortunately, that is not true for most Americans.

We will be dealing with a bill called the DARK Act shortly, and quite frankly the DARK Act does not empower America's consumers. It does not tell them what is in the packaged food they purchase, and it doesn't give them any information when we are dealing with genetically modified ingredients.

I was told that the customer is always right. If you are a good businessman, you listen to your customers. In this particular case, the customer has

a right to know what is in their food. In fact, they expect it because 9 out of 10 consumers say they want labeling for genetically engineered foods. Some of the folks in this body are not listening to the customers. They are not listening to their constituents. Instead, they are listening to the big corporations that want to keep consumers in the dark, and we cannot allow that to happen in this body today. The Senate is above that.

Transparency in everything leaves better accountability and gives more power to average Americans, and that is also true when we talk about food. Free markets work when consumers have access to information. The U.S. Senate should not be in the business of hiding information from consumers.

Let's be clear. What the new DARK Act, which is sponsored by the Senator from Kansas, does is it tells the American people: We in the Senate know what is best for you, and quite frankly, whether you want this information or not, you are not going to get it.

How does this DARK Act do this? First of all, it blocks the States from enforcing their own laws, so we can throw States' rights out the window. Second, this "compromise" would hide the information behind 800 numbers and QR codes.

Let me tell you, if you think this is labeling, if you think this is giving the consumer a right to know what is in their food, you are wrong. This is a game. And for the mom who wants to know what is in her child's cereal or soup or bread, there may be a bunch of different 800 numbers out there, and I don't know about you, but when it comes to phone numbers, especially the older I get, the harder it is for me to remember. Or you will stand in a grocery store aisle and scan each individual product with a smartphone, if you have a smartphone and if you have cell phone coverage at that location, because, quite frankly, in rural America, we don't in a lot of places. And that is going to be the labeling. Unbelievable.

The fact is, if folks are so proud of the GMOs, they should label them. What they are saying is you can voluntarily do it. Frankly, voluntary standards are no standards at all. If they were standards, we would say to the super PACs: Tell us who you get your money from. Tell us what you are spending it on, why you are spending it. We don't know that. We don't know that in our elections, by the way, which puts our democracy at risk, and we won't know about our food if this DARK Act passes.

There are 64 countries out there that require GMO labeling. China, Russia, and Saudi Arabia are not exactly transparent countries, but they are requiring GMO labeling. Vermont passed a GMO labeling law that would go in effect in July. Maine and Connecticut have passed mandatory labeling laws. There are numerous States that require things like farm-raised or wild-

caught. FDA, in fact, even regulates terms such as “fresh” and “fresh frozen.”

Some of the proponents of the DARK Act will say: Well, you know, folks from California and Washington defeated it when it was on the ballot.

Yes, they did. Let me give you some figures. In Washington, more than \$20 million was spent in opposition to the labeling law—more than \$20 million. By the way, about \$600 of that came from Washington residents, according to the Washington Post. About \$7 million was in support of that campaign, with at least \$1.6 million of that \$7 million coming from Washington residents.

In California, the opponents to labeling our food with GMOs spent about \$45 million to defeat it. Monsanto alone spent \$8 million of that \$45 million. Supporters of the labeling spent about \$7 million.

So let's be clear. When people have a choice to vote and get the facts, they want their food labeled. This DARK Act does exactly the opposite. It is bad legislation. It does not empower consumers. It does not empower the American people. In fact, it does what the title of this bill says: Keep them in the dark. That is not what the U.S. Senate should be about. We need to defeat this bill, whether it is through the cloture process or later on. This is bad, bad, bad policy.

I yield my time to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, will my colleague from Montana yield for a question?

Mr. TESTER. Yes, I will.

Mr. MERKLEY. Thank you. I appreciate the Senator's presentation.

This Monsanto DARK Act 2.0—this new version—says to the States that they no longer have the right to respond to consumers' interest in providing a consumer-friendly label that alerts them to genetically engineered ingredients, but it does not replace that with a federal consumer-friendly label?

Mr. TESTER. Correct.

Mr. MERKLEY. Is it right that the Federal Government takes away this power from States, which are, if you will, our places of experimentation and creativity, and then does nothing at the national level? Is this an overreach of the Federal Government?

Mr. TESTER. Absolutely. The Senator came out of the State Legislature in Oregon. I came out of the State Legislature in Montana. Quite frankly, much of the work is done at the State level. We follow their lead. This bill does exactly the opposite. It prevents States from labeling for genetically modified foods, and it replaces it with a voluntary labeling system basically or QR codes that nobody is going to have the technology, quite frankly, or the time to be able to investigate. So the Senator is right. This tells folks in

Vermont and Maine and Connecticut and many other States—as I said, 9 out of 10 consumers want genetically modified foods labeled, and this replaces it basically with nothing.

The proponents will walk out here and say: No, no, no, there is going to be a QR code or 800 number. That simply does not give the consumers the ability to know what is in their food. We live in a very fast-paced society. I can tell you, it happened just this weekend when I was home. I pulled up in a pickup. My wife ran in the grocery store, grabbed what she needed, came out, and we zipped home. People don't have the time to look unless it is sitting right there and they can see it. And that is what your bill does, I say to Senator MERKLEY. Your bill gives the consumer the ability to simply look at the package and know what is in it, and that is what we should be fighting for in this body. We shouldn't be fighting to keep people in the dark; we should fight to let people know so they can make good decisions. If you have good information—and it is true here and it is true amongst the American public—if you have good information, you can make good decisions. When parents buy food for their kids, they ought to have the information so they can make good decisions. It is simply a right to know what is in your food.

Mr. MERKLEY. Mr. President, I ask unanimous consent to engage in a colloquy with my colleague from Montana.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Thank you very much, Mr. President.

I will use these papers as examples of food products. I have three different bags of rice, and I want to look. I can scan the ingredients list of these three products to see what they contain. Well, in about 5 seconds—if what is required of me is to pull out my phone, call up an 800 number, work my way through a phone tree, proceed to talk to someone who may or may not even know what I am calling about—and maybe I will get a busy signal or a message that says: I am sorry, our phone lines are very busy, but we will get to you in 25 minutes. How long am I going to have to stand there versus the 5 seconds that it takes if there is a symbol or an indication on the ingredients panel for these three products? While standing in the aisle of the grocery store, how long is it going to take me to try to find out if these three products have genetically engineered ingredients?

Mr. TESTER. Well, you said it. For the people who heard you explain the process you would go through, that is not labeling. That is not transparency. That isn't telling folks what is in their food.

Needless to say, I have to tell you, I think these are a pain in the neck. If I wasn't in this body, I don't think I would even have one, and there are a lot of people who feel that way. So now

I am going to have to spend money and get a plan so I can determine what is in my food? Not everybody has the resources to have one of these. What does this do to folks who are poor? They deserve to have the food that they want to eat. They deserve to know what is in it. And they are not going to have that capacity. Then what about folks in places such as eastern Washington or all of Montana that isn't where a lot of people live? Oftentimes there is not that service. So it just does not make any sense. You are trying to replace what Vermont is doing with nothing, and that is not fair. It is not fair to the consumers.

As I said in my remarks, the consumer is always right. They are. It is a fact of business. We ought to be listening to folks. That is why we have single-digit approval ratings in this body. We need to listen. And we are not listening with the DARK Act.

Mr. MERKLEY. Is the Senator saying the whole idea presented in the Monsanto DARK Act 2.0 about putting a phone number on the package so someone can call a company is a sham?

Mr. TESTER. Bogus.

Mr. MERKLEY. Bogus.

Mr. TESTER. Yes. It is worse than nothing. At least if you had nothing, you know what you have.

Mr. MERKLEY. There is a second option put into the Monsanto DARK Act, which is the quick response code. You have to have a smartphone that can take a picture of that quick response code, take you to a Web site to get information—information, by the way, written by the very company that controls the product you are looking at. It is not some third party. I picture that as taking just as much time and being just as complex for the ordinary person as the 1-800 number. The QR code requires first that you actually have a data plan to be able to get to a Web site, that you have a smartphone instead of an ordinary cell phone, and furthermore it reveals information about you when you go to that Web site, so you are giving up your privacy.

So is the QR code option being discussed also a sham?

Mr. TESTER. Absolutely. It is just as bogus as the 800 number, quite frankly, if not more, for all the same reasons. First of all, you have to have a phone. You have to have service. Oftentimes that isn't the case.

Quite frankly, what we need is what your bill does, and that is, just tell folks what is in the package—parentheses, three letters, or an asterisk that says what it is, very simple. People can understand and they don't have to jump through all these hoops.

I know proponents of this DARK Act will say: Well, you know, that is going to cost a lot of money.

Look, Budweiser makes a beer labeled for every NFL football team in the country. At Christmastime, they put Santa Claus on, and then they make the ones in the blue cans too. It is standard stuff. It is all the same

price. Companies change their labels all the time.

So the fact that we are replacing what would be common sense—the Senator's bill, which is what we should be taking up and passing here on the floor because it makes sense, it gives consumers the right to know what is in their food—with something that has an 800 number or QR code is crazy. It is crazy. And the arguments that folks are using for keeping people in the dark simply are not factual.

Mr. MERKLEY. Well, in this Monsanto DARK Act 2.0 that has been put on the floor, there is a third option beyond the voluntary labeling and beyond the 1-800 numbers and QR code, and the third option—door No. 3, if you will—is that the company can put something on social media, which means, I assume, Instagram, Facebook, or who knows what. So if I am a customer and I am in the store and I see these three products and I want to find out if they have GE ingredients and there is no 800 number and there is no QR code because the company has chosen door No. 3, how am I to know that?

Mr. TESTER. You don't. And by the way, there are three doors here, and it is kind of like "Let's Make a Deal." The problem is, what is behind No. 1, 2, and 3 are all zonks for the American consumers.

I say to Senator MERKLEY, this makes no sense to me whatsoever because it is confusing. It absolutely keeps the consumers in the dark. And we are actually going to try to promote something like that in the Senate? It doesn't make any sense to me.

Mr. MERKLEY. The majority leader has put this bill on the floor, and it has not even gone through a committee hearing because this is a new creation that we have just seen for the first time last night. Furthermore, it has been put on the floor the night before one of the most important primary days in the Presidential election, strategically scheduled, if you will, so that the news networks are busy with Florida and Ohio and Illinois and two other States, and they are not paying attention to this egregious proposal to take away States' rights and consumers' rights.

We had a pledge from the majority leader coming into here that due process—things would be considered in committee and things would be fairly considered on the floor with an open amendment process. Has this Monsanto DARK Act 2.0 gone through a committee process, and is it getting a full opportunity to be heard on the floor? In fact, the motion to close debate was filed within seconds of it being put on the floor last night. Is this a true opportunity for the American people to wrestle with a major policy decision taking away States' rights and consumers' rights?

Mr. TESTER. No. In a word, no. And of all the choices that we have out there, that we do every day, food is one of the most important choices we

make. That is what we put in our bodies. It gives us power. It gives us intellect. It gives us the ability to do our daily jobs, to work, to be successful, to support our family. Quite frankly, this bill—and the timing of it is curious—this bill does none of those things to help move families and the people and society forward. It just keeps them in the dark, which is disturbing.

As I said in my opening statement, the Senate should be above this. We should be empowering people, not taking away their right to know.

Mr. MERKLEY. Well, this taking away the right to know—it isn't like the right to know some detail about how your car was manufactured. As the Senator put it, this is about the food you put into your mouth. This is about the food we feed our families. This is about what our children consume.

I was very surprised to read this from a scientific study: Two-thirds of the air and rainfall samples tested in Mississippi and Iowa in 2007 and 2008 contain glyphosate, which is the herbicide being applied in massive quantities because of the genetically engineered resistance of key crops, including corn and soybeans and sugar beets. So the herbicide is very prevalent in the rainfall samples and it is very prevalent in the air samples, or at least two-thirds of the air samples.

Then, a recent study published in the *Journal of Environmental & Analytical Toxicology* found that humans who consume glyphosate-treated GMO foods have relatively high levels of glyphosate in their urine. So, actually, residuals are finding their way into our bodies.

There are other effects. Glyphosate is a known carcinogen. It has been defined as a known carcinogen. But this herbicide is also running into the streams. Study after study is showing big impacts on the microbial population, and that is at the base of the food chain, so it is affecting the food chain inside our rivers and our streams. There is gene transfer to relatives—weeds that are relatives of the growing crops. There is an impact on the evolution of bugs; specifically, the western corn root worm which is evolving, if you will, to become resistant to the pesticide that is in the plant because of the genetic—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MERKLEY. Thank you, Mr. President. I ask unanimous consent to continue for another 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MERKLEY. I thank the Chair.

So we have these affects that scientific documents are showing.

So when people come to this floor and say that it is OK to suppress the consumers' right to know because consumers have no legitimate concerns, that there are no scientific studies that show any legitimate concerns about the impacts of genetically engineered

plants, are they telling the truth? Is that accurate?

Mr. TESTER. Well, I think that is up to the consumer to find out, and the consumer never knows if it is not on the label. I think we put a lot of things on labels. I bought some orange juice last night. It was not from frozen concentrate; it was fresh squeezed. That is a consumer choice that I have. I buy that because I like it. I think it is better. I think it is better for you. That is what I choose to do.

I think what this DARK Act does is it doesn't allow consumers to make the choices they want. They can do the research. Once they see what is in it and make the decision whether they—some people may want to eat it. It may be a positive thing: This is good. It has GMO in it. I want to buy that. For other folks, they may say: No, I don't want to buy that. That is their choice. That is what this country is about. It is about freedom. Now we are stopping that. That is what this debate is about. It is about labeling of food. It is about letting consumers know what they are eating and letting them make the decision as to what is best for their family.

Mr. MERKLEY. I think my colleague summed it all up in the word "freedom"—the freedom to choose. And that freedom to choose—if it is between wild fish and farmed fish, we facilitate that by giving the information on the package. If it is the freedom to choose between juice from concentrate versus fresh squeezed—juice from concentrate or fresh juice—that, in fact, is a freedom of the consumer, and they can exercise it from the package.

If someone decides they want to have a product that is vitamin A enriched, such as golden rice which has been done by GE engineering—maybe they need more vitamin A—they should have the freedom to choose it.

In fact, my point here is that there are scientific studies that show benefits in a variety of circumstances from genetic engineering, and there are studies that show legitimate concerns. On the benefits side we have cases—for example, sweet potatoes—in which they have been made to resist viruses that kill. In South Africa, that has been very important to the growth of sweet potatoes and the provision of that as part of a significant source of food in parts of that country. Then there is golden rice being enriched with vitamin A in regions of the world where people eat primarily rice, but they really lack vitamin A. But there are also studies that show concern.

Shouldn't we as consumers have freedom? Why is it that we have on the floor a bill which not only takes away States' rights to respond to consumers' interests in freedom, but proceed to squash, for all time and in all geographic areas, the freedom of an individual to make that decision? And then they put up a sham which says that somehow, the consumer could inquire by guessing at a social media outlet or going to a phone bank that is somewhere overseas in the Philippines to

find out whether or not there is a GE ingredient or having to give up their privacy and go to a Web site sponsored by the company that made the food. That is not information that allows the consumer to make a choice.

What if a consumer had to go to a phone company operating overseas to find out—I don't know—the calories that are in the food or the vitamins that are in the food? That would be ridiculous. It is absurd. It is a sham and a scam. It is a theft of individual freedoms in this country. And shouldn't we all in the Senate be standing up for freedom for American citizens who, by the way, when asked in a nationwide poll, 9 to 1 say they want this information on the package; 9 to 1 say that. Here we are in this deeply divided country where we have this huge spectrum of ideologies that we are seeing in the Presidential campaign. Yet, on this issue, Independents, Republicans, and Democrats, 9 to 1—I am rounding off slightly, but very close—9 to 1 in all three categories say they want this information on the package, and 7 out of 10 said they feel very strongly about this. So that is the desire of the American people. That is the “We the People” that is in our Constitution that we are pledged to support.

Here we have a bill on the floor that is designed in the dark of night while people are paying attention to Presidential primaries, the press is paying attention to that, and in the dark of night they are trying to take away that freedom. Isn't that just completely wrong?

Mr. TESTER. Well, absolutely. The Senator from Oregon hit the nail on the head. We need to defeat cloture. We need to defeat this bill. If we want to take up a labeling bill, we ought to take up the Merkley bill and pass it. That would empower consumers. It would give them freedom. It would live up to what our forefathers had in mind for this country. Instead, in my opinion, they are doing exactly the opposite.

This is a bad piece of legislation. The Senator is right. The polls do show that across the parties, we are all Americans on this one, 9 to 1. We have to listen.

If folks are having a hard time hearing what people are saying, they should just read their emails. Hear what the folks out in front of our offices are saying, because folks are talking and we need to listen. Read the editorial pages. Folks are not asking for anything out of the ordinary. They just want to know so they can make decisions.

So I hope this body will defeat this bill, put it to bed, and then we can talk about a labeling bill that makes sense for this country.

Mr. MERKLEY. I thank so much my colleague from Montana for being such a clear and powerful voice on this issue of freedom, of American consumers' rights, of States' rights, and for his solid opposition to this Monsanto

DARK Act—Deny Americans the Right to Know—2.0. Thank you.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. LEE). The Senator from Arkansas.

#### NATIONAL AGRICULTURE DAY

Mr. COTTON. Mr. President, I grew up on a cattle farm in Dardanelle, where I started helping my dad around the farm when I was just a little boy. In fact, I was kicking hay bales off the truck when I was barely bigger than those hay bales. Growing up, most people I knew had some connection to farming, and I am proud to say that in Arkansas, that is still mostly the case today.

In honor of National Agricultural Day, I wish to say a few words about Arkansas' agriculture and what it means to our State.

Agriculture is Arkansas' largest industry. It accounts for over \$20 billion in value added to our State economy each year and contributes to thousands and thousands of jobs. Arkansas is a top 25 producer in 23 different agricultural commodities, and we rank first in the Nation in rice production, producing close to 50 percent of the rice in the United States.

It doesn't end there. We are also a major exporter of crops like soybeans, cotton, poultry, and feed grains. Our catfish and timber industries are booming and our cattle inventory exceeds 1.7 million head. Our agriculture industry is also expanding by the day. We have recently become a big player in the peanut industry.

For Arkansas, agriculture is more than just a business; it is a passion and a way of life. We have nearly 50,000 farms in Arkansas, and 97 percent of them are owned by families. Neighborly chats in Arkansas often tend to focus on planting seasons and beef prices. And in towns like Dardanelle, kids don't have to worry about farm chores keeping them from playing with their friends on a Saturday because those friends are likely busy helping on their farms too.

Agriculture is who we are. I have certainly taken the lessons I learned growing up on a farm with me into the Army, the Congress, and now fatherhood.

So, today, and every day, let's remember Arkansas' and America's farmers and ranchers. Happy National Agriculture Day.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that I may speak in morning business.

The PRESIDING OFFICER. The Senator from Washington is recognized.

#### FILLING THE SUPREME COURT VACANCY AND WOMEN'S HEALTH CARE

Mrs. MURRAY. Mr. President, I come to the floor once again with a simple message for Senate Republican leaders: Do your job and let me do mine.

When President Obama sends us a nominee to fill this vacancy on the Supreme Court, Republican leaders need to stop playing politics, stop pandering to the tea party, and fulfill their responsibility to their constituents, their country, and the Constitution. That is what people across the country are demanding.

But the hearing Republicans on the Judiciary Committee held this morning makes it clear they are not getting the message, because while the Republicans on that committee say they won't take up their time to do their most important actual job, they were happy to spend their time this morning on their favorite hobby—doing everything they can to turn back the clock on women's health care. While they say they won't even hold a hearing on a Supreme Court nominee to fulfill their constitutional responsibilities, they were eager to hold the hearing this morning to attack women's constitutional rights.

Mr. President, I wish I were surprised by this, but, unfortunately, this is just the latest example of Republican leaders playing political games with the rights of women across the country and pandering to their extreme tea party base.

Republicans love to say they want to keep government out of people's lives, unless of course we are talking about women's health care and their choices. They love to talk about the Constitution, unless we are talking about a woman's constitutional right to make decisions about her own body or the part that lays out the Senate's responsibility when it comes to filling Supreme Court vacancies.

But people across the country are sick of the partisanship, sick of the gridlock, and sick of the games. They want Republicans to do their jobs, and they are not buying their excuses for inaction.

For the last few weeks, Republican leaders have been desperately trying to convince people that there is a precedent for their extreme obstruction in this election year. Well, first of all, their arguments have run up against the facts. They simply are not true. The Democratic Senate confirmed President Reagan's Supreme Court nominee in his last year in office. And that is just one example of many.

But in case the facts weren't enough, last week the Republicans' message facade began to crumble, and the truth began to come out. First, one Republican leader warned that any potential nominee should be aware that he or she